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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,983	03/24/2004	Luc Lachapelle	2738-5A	7062
7590	12/15/2004		EXAMINER	
Eric Fincham 316 Knowlton Road Lac Brome, QC J0E 1V0 CANADA			CINTINS, IVARS C	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/808,983	LACHAPELLE ET AL.	
	Examiner	Art Unit	
	Ivars C. Cintins	1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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Claims 1, 3, 7 and 10 are objected to because the term "faction" (claim 1, lines 3, 4 and 6; claim 3, line 3; claim 7, line 2; and claim 10, line 3) does not appear to be grammatically correct. Applicant should consider changing this term to "fraction" or "portion." Also, the term "waster" (claim 3, line 2) appears to be a typographical error, and should be changed to "waste."

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kruidhof (U.S. Patent No. 5,993,503). The reference discloses a method for reducing the phosphor content of liquid pig manure (see col. 1, lines 18-22) by separating the liquid manure into a solids fraction and a liquid fraction (col. 3, lines 5-6), mixing the liquid fraction with a mineral substance to reduce its phosphor content (col. 3, lines 48-51), and separating the thus treated liquid from the mineral substance (col. 3, lines 60-62); and this is all that is required by claim 1.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruidhof. Kruidhof discloses the claimed invention with the exception of the source of the mineral substance (claim 2), the recited measuring step (claim 3), and the ratio of nitrogen to phosphate in the manure (claim 4). However, it would have been obvious to one of ordinary skill in the art

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at the time the invention was made to obtain the treatment material of the reference (e.g. magnesium oxide) from a quarry, since this material is typically found in such a location. Also, it would have been obvious to one of ordinary skill in the art at the time the invention was made to measure the nitrogen and phosphorus content of the manure until it reaches the recited ratio, in order to ensure that the liquid fraction of this mixture contains the desired amount of phosphate (see col. 2, lines 12-13).

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruidhof as applied above, and further in view of van der Wijngaart (U.S. Patent No. 6,773,594). Kruidhof discloses the claimed invention with the exception of the type of separator employed. van der Wijngaart discloses separating a solid from a liquid with a screw separator (col. 3, line 23), a filter (col. 3, line 23), a centrifuge (col. 3, lines 22 and 35), or a sloping surface (col. 3, lines 11-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute any of the separators disclosed by van der Wijngaart for the liquid-solid separator of Kruidhof, since each of these secondary reference separators is capable of separating solids from a liquid in substantially the same manner as the liquid-solid separator of the primary reference, to produce substantially the same results.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruidhof as applied above, and further in view of van der Woodbridge (U.S. Patent No. 3,630,365). Kruidhof discloses the claimed invention with the exception of the recited mobile system. Woodbridge teaches making a liquid waste treatment system transportable; and it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct


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the treatment system of the primary reference in a similar manner, in order to allow this primary reference system to be transported to a location where it is needed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at (571) 272-1166.

The centralized facsimile number for the USPTO is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
December 10, 2004